

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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|-------------------------------|---|------------------------------------|
| JOSEPH ANTONETTI, |) | 3:11-cv-00548-LRH-WGC |
| |) | |
| Plaintiff, |) | <u>MINUTES OF THE COURT</u> |
| |) | |
| vs. |) | January 6, 2014 |
| |) | |
| BARACK OBAMA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiff's motion entitled, "Order for Assistance in Witness Presence." (Doc. # 75.) Defendants responded and opposed Plaintiff's motion (Doc. # 77) and Plaintiff replied (Doc. # 79).

Plaintiff's requests the "court order assistance in witness presence" by directing the Attorney General's office to "ensure inmate witnesses be transferred and available for trial." (Doc. # 75 at 1.) The Plaintiff also seeks the "U.S. Marshall's (sic) assistance and all other court assistance available to ensure these witnesses can be available for trial, including potential travel expenses, if available." (*Id.*, at 1-2.) The Plaintiff cites no authority which might bestow upon the court the ability to enter such orders. Defendants state they are unaware of any such authority. (Doc. # 77 at 1.)

The order granting Plaintiff leave to proceed *in forma pauperis* noted that "granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas as government expense." (Doc. # 23, ¶ 2, p. 2.) The Ninth Circuit has recognized that "28 U.S.C. § 1915, the *in forma pauperis* statute, does not waive payment of fees or expenses for witnesses." *Dixon v. Yist*, 990 F.2d 478, 480 (9th Cir. 1993) (citing *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989)). The court lacks the authority to provide Plaintiff the relief he seeks.

Plaintiff's motion (Doc. # 75) is **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk